

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect, to the extent permitted by law, the provisions of the EAA and the EAR in Executive Order 12924 of August 19, 1994.

#### Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control numbers 0694-0005, 0694-0010 and 0694-0067.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sharron Cook, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

#### List of Subjects

##### 15 CFR Part 778

Exports, Nuclear energy, Reporting and recordkeeping requirements.

##### 15 CFR Part 799

Exports, Reporting and recordkeeping requirements.

Accordingly, Parts 778 and 799 of the Export Administration Regulations (15

CFR Parts 730-799) are amended as follows:

1. The authority citations for 15 CFR Part 778 continues to read as follows:

**Authority:** Pub. L. 90-351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; Pub. L. 95-223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95-242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended [(extended by Pub. L. 103-10, 107 Stat. 40 and by Pub. L. 103-277, 108 Stat. 1407)]; Pub. L. 102-484, 106 Stat. 2575 (22 U.S.C. 6004); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12851 of June 11, 1993 (58 FR 33181, June 15, 1993); E.O. 12867 of September 30, 1993 (58 FR 51747, October 4, 1993); E.O. 12924 of August 19, 1994 (59 FR 43437 of August 23, 1994); and E.O. 12938 of November 14, 1994 (59 FR 59099 of November 16, 1994).

2. The authority citation for 15 CFR Part 799 continues to read as follows:

**Authority:** 50 U.S.C. App. 5, as amended; Pub. L. 264, 59 Stat. 619 (22 U.S.C. 287c), as amended; Pub. L. 90-351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; sec. 101, Pub. L. 93-153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Pub. L. 94-163, 89 Stat. 877 (42 U.S.C. 6212), as amended; secs. 201 and 201(1)(e), Pub. L. 94-258, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Pub. L. 95-223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95-242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); sec. 208, Pub. L. 95-372, 92 Stat. 668 (43 U.S.C. 1354); Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended; sec. 125, Pub. L. 99-64, 99 Stat. 156 (46 U.S.C. 466c); Pub. L. 102-484, 106 Stat. 2575 (22 U.S.C. 6004); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12851 of June 11, 1993 (58 FR 33181, June 15, 1993); E.O. 12867 of September 30, 1993 (58 FR 51747, October 4, 1993); E.O. 12918 of May 26, 1994 (59 FR 28205, May 31, 1994); E.O. 12924 of August 19, 1994 (59 FR 43437 of August 23, 1994); and E.O. 12938 of November 14, 1994 (59 FR 59099 of November 16, 1994).

#### PART 778—[AMENDED]

3. Section 778.8(a)(3) is revised to read as follows:

**§ 778.8 Chemical precursors and biological agents, and associated equipment, software, and technology.**

(a) \* \* \*

(3) Viruses, viroids, bacteria, fungi, and protozoa controlled by ECCN 1C61B require a validated license to all destinations except Canada. Vaccines that contain items controlled under ECCN 1C61B are controlled by ECCN 1C91F, and are eligible for General

License G-DEST to all destinations except Country Groups S and Z, and Iran.

\* \* \* \* \*

#### PART 799—[AMENDED]

##### Supplement No. 1 to § 799.1 [Amended]

4. In Category 1 (Materials), ECCN 1C61B is amended by revising the heading and the Requirements Section, and a new ECCN 1C91F is added immediately following ECCN 1C88D, to read as follows:

*1C61B Microorganisms and toxins.*

#### Requirements

*Validated License Required:* QSTVWYZ

*Unit:* \$ Value

*Reason for Control:* CB

*GLV:* \$0

*GCT:* No

*GFW:* No

**Note:** Notwithstanding the provisions of this entry, all vaccines are excluded from the scope of this entry. See ECCN 1C91F.

\* \* \* \* \*

*1C91F Vaccines containing microorganisms and/or toxins controlled by ECCN 1C61B.*

#### Requirements

*Validated License Required:* SZ, Iran

*Unit:* \$ Value

*Reason for Control:* FP

*GLV:* No

*GCT:* No

*GFW:* No

**Note:** Vaccines that do not contain items controlled by ECCN 1C61B are controlled by ECCN 1C96G.

Dated: July 26, 1995.

**Iain S. Baird,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. 95-18688 Filed 7-28-95; 8:45 am]

BILLING CODE 3510-DT-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### 20 CFR Part 655

#### Wage and Hour Division

#### 29 CFR Part 508

RIN 1205-AA88 and RIN 1215-AA

### Attestations by Employers for Off-Campus Work Authorization for Foreign Students (F-1 Nonimmigrants)

**AGENCIES:** Employment and Training Administration, Labor; and Wage and Hour Division, Employment Standards Administration, Labor.

**ACTION:** Joint interim final rule.

**SUMMARY:** The Department of Labor (DOL) amends regulations relating to attestations by employers seeking to use nonimmigrant foreign (F-1) students in off-campus work. DOL continues to review comments submitted by the public on the interim final rule and expects to publish a final rule shortly. However, existing attestations expire at the close of July 1995. For that reason, this rule extends the period of applicability of attestations for two months, through September 30, 1995.

**EFFECTIVE DATE:** July 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** On 20 CFR part 655, subpart J, and 29 CFR part 508, subpart J, contact Ms. Flora T. Richardson, Chief, Division of Foreign Labor Certifications, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N-4456, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202-219-5263 (this is not a toll-free number).

On 20 CFR part 655, subpart K, and 29 CFR part 508, subpart K, contact the Chief, Farm Labor Programs, Wage and Hour Division, Employment Standards Administration, Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202-219-7605 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Immigration Act of 1990 (IMMACT) sec. 221 and Immigration and Nationality Act secs. 101(a)(15)(F) and 214 create a pilot program, of limited duration, allowing a nonimmigrant foreign student admitted on F-1 visas to work off-campus if: (1) He/she has completed one academic year as such a nonimmigrant and is maintaining good academic standing at the institution; (2) he/she will not be employed off-campus for more than 20 hours per week during the academic term (but may be employed full-time during vacation periods and between terms); and (3) the employer provides an attestation to the Department of Labor (DOL) and to the educational institution that it unsuccessfully recruited for the position for at least 60 days and will pay the higher of the actual wage at the worksite or the prevailing wage for the occupation in the area of employment. The employer submits such attestations to DOL and the educational institution for foreign students to receive work authorization, if otherwise qualified. The attestation process is administered by the Employment and Training Administration. Complaints and investigations regarding violations of

employer attestations are handled by the Wage and Hour Division, Employment Standards Administration. If DOL determines an employer made a materially false attestation or failed to pay wages in accordance with an attestation, the employer, after notice and opportunity for a hearing, may be disqualified from employing F-1 students under the program.

An interim final rule, requesting comments was published November 6, 1991. 56 FR 56860. The interim final rule provided that the employer's attestation may remain in effect, unless withdrawn or invalidated, through no later than September 30, 1994, the original statutory termination date for the pilot. Public Law 103-416 extended the program. Currently, existing attestations are valid through July 31, 1995. 60 FR 34131 (June 30, 1995). Analysis of the comments is ongoing. The rule published today extends attestations through September 30, 1995. A final rule is expected to be published shortly. Should that not occur, the interim final rule will be extended again.

Absent today's amendment, all previously valid attestations would expire at the close of July 31, 1995, and no new attestations could be filed. Without the amendment, F-1 students would not have work authorization under this program. New attestations filed after the effective date of today's rule also are valid through September 30, 1995, unless withdrawn or invalidated. Today's rule alleviates hardships for covered students and employers, and the limited extension gives DOL additional opportunity to complete analysis of comments on the interim final rule. For these reasons, DOL for good cause finds a proposed rule is impracticable and contrary to the public interest (5 U.S.C. 553(b)(B)); and finds good cause to make the rule effective immediately (5 U.S.C. 553(d)(3)). The rule is not significant under E.O. 12866. The rule was not preceded by a proposed rule and, thus, is not covered by the Regulatory Flexibility Act. When the interim final rule was published, however, DOL notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b), that the rule did not have a significant economic impact on a substantial number of small entities. The program is not in the *Catalog of Federal Domestic Assistance*.

## List of Subjects

### 20 CFR Part 655

Administrative practice and procedure, Agriculture, Aliens, Crewmembers, Employment, Enforcement, Forest and forest products, Guam, Health professions, Immigration, Labor, Longshore work, Migrant labor, Nurse, Penalties, Registered nurse, Reporting and recordkeeping requirements, Specialty occupation, Students, Wages.

### 29 CFR Part 508

Administrative practice and procedure, Aliens, Employment, Enforcement, Immigration, Labor, Penalties, Reporting and recordkeeping requirements, Specialty occupation, Students, Wages.

## Text of Joint Interim Final Rule

The text of the joint interim final rule appears below:

1. Section \_\_\_\_\_.900(b)(2)(i) is amended by removing the date "July 31, 1995" and adding in lieu thereof the date "September 30, 1995".

2. Section \_\_\_\_\_.900(d) is amended by removing the date "July 31, 1995" and adding in lieu thereof the date "September 30, 1995".

3. Section \_\_\_\_\_.900 is amended by revising paragraph (e), to read as follows:

**§ \_\_\_\_\_.900 Purpose, procedure and applicability of subparts J and K of this part.**

\* \* \* \* \*

(e) *Revalidation of employer attestations in effect on July 31, 1995.* Any employer's attestation which was valid on July 31, 1995, is revalidated effective on July 31, 1995, and shall remain valid through September 30, 1995, unless withdrawn or invalidated.

4. Section \_\_\_\_\_.910(b)(2)(i) is amended by removing the phrase "through July 31, 1995" and adding in lieu thereof the phrase "through September 30, 1995."

5. Section \_\_\_\_\_.910(e) is amended by removing from the first sentence the phrase "expires on September 30, 1996," and adding in lieu thereof the phrase "expires on September 30, 1996"; by removing from the first sentence the phrase "after July 31, 1995" and adding in lieu thereof the phrase "after September 30, 1995"; and by removing from the penultimate sentence the phrase "prior to July 31, 1995" and adding in lieu thereof the phrase "prior to September 30, 1995".

6. Section \_\_\_\_\_.940(d)(1)(i)(B) is amended by removing the date "July 31, 1995" and adding in lieu thereof the date "September 30, 1995".

7. Section \_\_\_\_\_.940(h)(1) is amended by removing the date "July 31, 1995" and adding in lieu thereof the date "September 30, 1995".

8. Section \_\_\_\_\_.940(h)(3) is amended by removing the date "July 31, 1995" and adding in lieu thereof the date "September 30, 1995".

#### Adoption of Joint Interim Final Rule

The agency-specific adoption of the Joint Interim Final Rule, which appears at the end of the common preamble, appears below:

### TITLE 20—EMPLOYEES' BENEFITS

#### CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

1. Part 655 of chapter V of title 20, Code of Federal Regulations, is amended as follows:

#### PART 655—TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

a. The authority citation for part 655 continues to read as follows:

**Authority:** Section 655.0 issued under 8 U.S.C. 1101(a)(15)(H) (i) and (ii), 1182 (m) and (n), 1184, 1188, and 1288(c); 29 U.S.C. 49 *et seq.*; sec. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); and 8 CFR 214.2(h)(4)(i).

Section 665.00 issued under 8 U.S.C. 1101(a)(15)(H)(ii), 1184, and 1188; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subparts A and C issued under 8 U.S.C. 1101(a)(15)(H)(ii)(b) and 1184; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subpart B issued under 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184, and 1188; and 29 U.S.C. 49 *et seq.*

Subparts D and E issued under 8 U.S.C. 1101(a)(15)(H)(i)(a), 1182(m), and 1184; 29 U.S.C. 49 *et seq.*; and sec. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note).

Subparts F and G issued under 8 U.S.C. 1184 and 1288(c); and 29 U.S.C. 49 *et seq.*

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b), 1182(n), and 1184; and 29 U.S.C. 49 *et seq.*

Subparts J and K issued under 29 U.S.C. 49 *et seq.*; and sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

b. Part 655 is amended as set forth in the Joint Interim Final Rule, which appears at the end of the end of the common preamble.

### TITLE 29—LABOR

#### CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

2. Part 508 of chapter V of title 29, Code of Federal Regulations, is amended as follows:

#### PART 508—ATTESTATIONS FILED BY EMPLOYERS UTILIZING F-1 STUDENTS FOR OFF-CAMPUS WORK

a. The authority citation for part 508 continues to read as follows:

**Authority:** 29 U.S.C. 49 *et seq.*; and sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

b. Part 508 is amended as set forth in the Joint Interim Final Rule, which appears at the end of the end of the common preamble.

Signed at Washington, DC, this 25th day of July, 1995.

**Raymond Uhalde,**

*Deputy Assistant Secretary for Employment and Training.*

**Maria Echaveste,**

*Administrator, Wage and Hour Division, Employment Standards Administration.*

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BILLING CODE 4510-10-M; 4510-27-M

### DEPARTMENT OF THE TREASURY

#### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 24

[T.D. ATF-350; RE: Notice No. 740]

#### Materials and Processes Authorized for the Production of Wine and for the Treatment of Juice, Wine and Distilling Material; Revised Alcohol Tolerance on Labels of Wine Under 7 Percent Alcohol by Volume (90F-260T)

#### CFR Correction

In title 27 of the Code of Federal Regulations, parts 1 to 199, revised as of April 1, 1995, on page 507, in § 24.246, the entry for Calcium sulfate (gypsum) was inadvertently removed and should be inserted alphabetically as follows:

#### § 24.246 Materials authorized for treatment of wine and juice.

Materials and Use	Reference or limitation
* * *	* *
Calcium sulfate (gypsum): To lower pH in sherry wine.	The sulfate content of the finished wine shall not exceed 2.0 g/L, expressed as potassium sulfate. 27 CFR 24.214. 21 CFR 184.1230 (GRAS)
* * *	* *

BILLING CODE 1505-01-D

### DEPARTMENT OF DEFENSE

#### Office of the Secretary

#### 32 CFR Part 247

RIN 0790-AG16

#### Department of Defense Newspapers and Civilian Enterprise Publications

**AGENCY:** Office of the Secretary of Defense, DoD.

**ACTION:** Final rule.

**SUMMARY:** This rule revises and provides DoD policy and updates procedures to meet changed circumstances for publishing DoD internal command information newspapers and civilian enterprise publications. It has minimal impact on some civilian printers who are contracted to print the publications.

**EFFECTIVE DATE:** June 21, 1995.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Colonel Frank Theising, USA, (703) 274-4868.

**SUPPLEMENTARY INFORMATION:** On April 10, 1995 (68 FR 18049), DoD published a proposed rule. No comments were received.

#### Executive Order 12866, "Regulatory Planning and Review"

It has been determined that 32 CFR part 247 is not a significant regulatory action. The rule does not:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

#### Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

#### Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 44)

It has been certified that 32 CFR part 247 does not impose any reporting or